

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

FAIRSHARE SOLUTIONS, LLC,	:	
<i>Plaintiff/Counterclaim Defendant,</i>	:	
	:	
vs.	:	C.A. No. 1:24-cv-00140-WES-PAS
	:	
MARGARET G. VAN SCIVER, in her	:	
capacity as EXECUTRIX OF THE	:	
ESTATE OF HARRY B. VAN SCIVER and	:	
MARGARET G. VAN SCIVER, individually,	:	
<i>Defendants/Counterclaim Plaintiffs/</i>	:	
<i>Third Party Plaintiffs,</i>	:	
	:	
vs.	:	
	:	
DENNIS F. ROGERS, in his capacity as a	:	
Member of Fairshare Solutions, LLC,	:	
<i>Third Party Defendant.</i>	:	

PLAINTIFF/COUNTERCLAIM DEFENDANT’S
RULE 16 PRE-TRIAL CONFERENCE WRITTEN STATEMENT

NOW COMES, the Plaintiff/Counterclaim Defendant Fairshare Solutions, LLC (“Fairshare”), and, pursuant to Local Rule 16(b), hereby submits the following written statement in preparation for the Rule 16 Scheduling Conference, scheduled for July 18, 2024 at 9:30 A.M.

I. FACTUAL BACKGROUND

Dennis Rogers (“Mr. Rogers”) and the late Harry B. Van Sciver (“Mr. Van Sciver”) were the sole members of Fairshare. On or about April 29, 2020, Mr. Van Sciver and Mr. Rogers executed the Operating Agreement of Fairshare (“OA”). Unfortunately, Mr. Van Sciver passed away unexpectedly on January 8, 2024.

Under the OA, Mr. Van Sciver’s heirs inherit only his economic rights and interests, without acquiring voting or other rights.

Fairshare is the owner and beneficiary of the \$1,000,000.00 life insurance policy that insured the life of Mr. Van Sciver, for Fairshare's benefit ("Policy").

On or about June 4, 2021, Mr. Van Sciver and Mr. Rogers executed a "Resolution Regarding Life Insurance and Use Of Life Insurance Proceeds" ("2021 Resolution"), which explicitly allowed for its future termination.

On or about March 8, 2024, Mr. Rogers, as the sole voting member of Fairshare, executed a "Written Consent of the Sole Member of Fairshare Solutions LLC" ("2024 Resolution"), terminating the 2021 Resolution. No Buy-Sell Agreement was ever executed, making this the only document addressing the disposition of the life insurance proceeds under the Policy.

From the outset of this litigation, Defendants' counsel was informed that \$850,000 of the Policy proceeds are held in the Bilodeau Capalbo LLC IOLTA account, with \$150,000 remaining with Fairshare, subject to accounting for any expenditures.

It is misleading for Defendants to claim Fairshare "has refused to provide Margaret with access to any accountings, financial information, or documentation concerning Fairshare." She never requested such information. Allegations in Court filings lack basis in actual requests. Fairshare remains ready to provide accounting and current financials upon request. Defendants' claims aim to unjustly tarnish Plaintiff's reputation, similar to the baseless assertion that Ms. Van Sciver "is gravely concerned with the fraudulent conduct of Fairshare and Dennis following Harry's death." This claim is devoid of evidence and merit.

Plaintiff initiated this lawsuit, voluntarily escrowed \$850,000 of the Policy proceeds, and offered to mediate. These actions contradict any fraudulent conduct allegations. Despite

Plaintiff's mediation offer, Defendants' counsel expressed disinterest, requested a settlement offer, received it, and failed to respond. Concurrently, Defendants pursue similar relief in the Munroe County 43rd Judicial District in Pennsylvania¹ ("PA Action") while actively prosecuting the PA Action. Defendants misled this Court by omitting the Pennsylvania lawsuit and falsely alleging refusal of financial access without ever making such requests. They also ignore the crucial provision that Mr. Rogers could terminate the 2021 Resolution.

II. LEGAL ISSUES

The 2021 Resolution's plain language permits future termination. Plaintiff terminated the 2021 Resolution and seeks judicial determination on the Policy proceeds' disposition. Plaintiff contends that any distribution should align with the OA and Rhode Island law.

Plaintiff/Counterclaim Defendant
Third-Party Defendant
Fairshare Solutions, LLC and
Dennis F. Rogers

By their attorneys,

/s/ Andrew R. Bilodeau

BILODEAU CAPALBO, LLC
Andrew R. Bilodeau, Esq. (#7174)
Ryanna T. Capalbo, Esq. (#8314)
Bilodeau Capalbo, LLC
1350 Division Rd., Suite 102
West Warwick, RI 02893
Telephone: 401-300-4055
Fax: 401-633-7511
abilodeau@bilodeaucapalbo.com
rcapalbo@bilodeaucapalbo.com
Dated: July 11, 2024

¹ WHITEBRIAR FINANCIAL CORPORATION, MARGARET G. VANSICVER, EXECUTRIX OF THE ESTATE OF HARRY BENJAMIN VAN SCIVER a/k/a HARRY B. VANSICVER, and MARGARET G. VANSICVER, INDIVIDUALLY v. FAIRSHARE SOLUTIONS LLC and DENNIS F. ROGERS - No. 002213-CV-2024.

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2024, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to the following:

Matthew T. Oliverio
mto@om-rilaw.com

Gina Renzulli Lemay
grl@om-rilaw.com

/s/ Andrew R. Bilodeau